

RESOLUTION NO. 21-34

SUBMITTAL AND ACCEPTANCE OF A WISCONSIN DEPARTMENT OF NATURAL RESOURCES SURFACE WATER MANAGEMENT - LAND ACQUISITION GRANT FOR ACQUIRING (OR PORTIONS OF) PARCEL ID(S): 110500506003, 110500504001, 110500510001, 110500502000) ALONG COUNTY HIGHWAY TRUNK W AND THE MILWAUKEE RIVER IN THE VILLAGE OF SAUKVILLE FOR FLOODPLAIN AND WETLAND RESTORATION PER §§ 59.52(6)(A) AND 27.065(1)(A) WISCONSIN STATUTES AS PART OF THE COUNTY HIGHWAY TRUNK W ROAD RECONSTRUCTION AND RESTORATION PROJECT

WHEREAS, Ozaukee County, through the Highway Department and Planning and Parks Department, is engineering and designing a holistic, long term solution to reduce flooding of the active roadway (County Trunk Highway W), improve the safety of County Trunk Highway W and restore fish and wildlife habitat along the Milwaukee River in the Village of Saukville; and

WHEREAS, the primary goal of the reconstruction and restoration project is to alleviate regular flooding of the active roadway and address safety concerns, while improving floodplain connectivity for aquatic organism passage into the riparian floodplains, wetlands and historic Milwaukee River oxbow; and

WHEREAS, financial aid is required to carry out the project; and

WHEREAS, the objectives of the reconstruction and restoration project are to design and engineer a new County Trunk Highway W roadway (between approximately STH 33 and Schowalter Street) with sufficient flood conveyance and capacity to reduce flooding of the active roadway and increase fish and wildlife habitat through a reconnection and restoration of the historic floodplain, wetlands and oxbow to maximize suitable hydroperiod using appropriately sized culverts or flood conveyance structures, incorporating habitat improvements including reconnecting the historic oxbow, invasive species management, planting and management of native trees and shrubs, and conducting environmental monitoring to document the long term success of the project; and

WHEREAS, acquisition of property adjacent to the County Trunk Highway W right of way and project area along the Milwaukee River (between approximately STH 33 and Schowalter Street) is required for completion of the road reconstruction project plans and for floodplain and wetland habitat restoration;

WHEREAS, the WDNR Surface Water Land Acquisition grant will fund up to 75% of the total project cost with a funding cap of \$50,000 and remaining matching funds will be provided by existing County funds from the Highway Department and the Planning and Parks Department (up to \$16,666) for a total project budget of up to \$66,666; and

WHEREAS, four parcels have been identified in the project area for right of way acquisition, wetland and floodplain restoration and reconnecting the Milwaukee River to historic floodplain and oxbow to alleviate flooding of the active roadway, which include the approximately 51.24 acre parcel located adjacent and east of N Riverside Drive/Highway W in the Village of Saukville, WI 53024 (Lot Two (2), in Block Five (5) Assessor's Plat, Village of Saukville, also known as Government Lot Three (3), of the Southwest Quarter of Section 25, Township 11 North, Range 21 East, Village of Saukville, Ozaukee County, Wisconsin, Parcel ID 110500502000); the approximately 5.19 acre parcel located adjacent to and west of N Riverside Drive/Highway W in the Village of Saukville, WI 53024 (Part of Lot Ten (10) Block Five (5)

Assessor's Plat, Village of Saukville, Ozaukee County, Wisconsin, Parcel ID 110500510001); the approximately 7.05 acre parcel located adjacent and east of N Riverside Drive/Highway W in the Village of Saukville, WI 53024 (Part of Lot Six (6) of Block Five (5) of the Assessor's Plat of the Village of Saukville, Ozaukee County, Wisconsin, Parcel ID 110500506003); and the approximately 3.71 acre parcel located adjacent and east of N Riverside Drive/Highway W in the Village of Saukville, WI 53024 (the North side of Lot Four (4), Section 25, Township 11 North, Range 21 East, Ozaukee County, Wisconsin, Parcel ID 110500504001); and

WHEREAS, the proposed parcels for acquisition (approx. 67.2 acres) includes approximately 51.1 acres of wetlands and 67.2 acres of 100-year floodplain with BFE (base flood elevation - studied); thereby, significantly limiting development potential on the properties (including no provisions for dry land access); and

WHEREAS, acquisition of the proposed parcels are consistent with the adopted *Park and Open Space Plan for Ozaukee County: 2035*, which identify the parcels as part of the Milwaukee River Recreation Corridor and recommends acquisition of lands along this corridor, identifies the parcels as part of a primary environmental corridor and having groundwater recharge potential and recommends protection of these areas, and the project activities are related to recommendations for providing public access to waterways and for aquatic fragmentation and habitat restoration improvements (pages 12, 15, 29, 38, 82, 84, 94, 99, 106-108, 115); and

WHEREAS, acquisition of lands along the Milwaukee River is consistent with two existing Village of Saukville owned parcels including Schowalter Park and is consistent with the County Board endorsed *Regional Water Quality Management Plan Update* (pages 91, 93, 427) and *adopted Multi-Jurisdictional Comprehensive Plan for Ozaukee County* (pages 100, 101, 144, 271, 273, 276), which identify the parcels as part of a primary environmental corridor and recommends the protection of these areas, particularly for water quality benefits and improvements along with aquatic fragmentation and habitat restoration recommendations, and the recently adopted *Ozaukee County Land and Water Management Plan* (pages 4, 7, 29, 36, 56, 70, 76, 197 - 198) relating to critical species habitats, identification and removal of fish passage impediments and use of the Fish and Wildlife and Ecological Prioritization GIS Tool to prioritize aquatic connectivity and habitat restoration and preservation projects; and

WHEREAS, the Ozaukee County Planning and Parks Department and its partners have developed and are refining a GIS-based fish and wildlife habitat decision support tool and a nationally recognized and awarded ecological prioritization GIS tool (GIS Tools) to prioritize habitat improvement and restoration activities for maximum benefit; and

WHEREAS, these parcels are identified as being high in both preservation and restoration potential within the GIS Tool; and

WHEREAS, acquisition of the parcels will recognize the important natural, ecological and scenic values as relatively natural habitat for plants and animals on the property, to assure that these values will be protected in perpetuity, and to protect, enhance and restore fish and wildlife habitat and natural communities on the property; and

NOW, THEREFORE, BE IT RESOLVED, by the Ozaukee County Board of Supervisors that the Ozaukee County Planning and Parks Department attests to the validity and veracity of the statements and representations contained in the grant application, requests a grant agreement to carry out the project, has budgeted a sum sufficient to fully and satisfactorily complete the project, and authorizes the Director of the Planning and Parks Department to act on behalf of Ozaukee County to sign and submit a Wisconsin Department of Natural Resources Surface Water Grant Program Land Acquisition grant application, accept and sign a grant agreement between Ozaukee County and the Wisconsin Department of Natural Resources, act as the

primary contact on the project, submit interim and/or final reports to the Wisconsin Department of Natural Resources to satisfy the grant agreement, submit grant reimbursement requests to the Wisconsin Department of Natural Resources, and sign and submit other required documentation and take necessary actions to initiate, direct, and complete the approved project within the provided funding timeline.

BE IT FURTHER RESOLVED, by the Ozaukee County Board of Supervisors, that Ozaukee County will accept title to all or portions of the 51.24 acre parcel, 5.19 acre parcel, 7.05 acre parcel, and 3.71 acre parcel via warranty deed with title policy, located adjacent to and east and west of N Riverside Drive/Highway W in the Village of Saukville, WI 53024 (Lot Two (2), in Block Five (5) Assessor's Plat, Village of Saukville, also known as Government Lot Three (3), of the Southwest Quarter of Section 25, Township 11 North, Range 21 East, Village of Saukville, Ozaukee County, Wisconsin; Part of Lot Six (6) of Block Five (5) of the Assessor's Plat of the Village of Saukville, Ozaukee County, Wisconsin, Parcel ID 110500506003; and) Parcel ID 110500502000; Part of Lot Ten (10) Block Five (5) Assessor's Plat, Village of Saukville, Ozaukee County, Wisconsin, Parcel ID 110500510001; and the North side of Lot Four (4), Section 25, Township 11 North, Range 21 East, Ozaukee County, Wisconsin, Parcel ID 110500504001) per §§ 59.52(6)(a) and 27.065(1)(a) Wisconsin Statutes; and

BE IT FURTHER RESOLVED that Ozaukee County will comply with all local, state and/or federal rules, regulations and ordinances for the program/project and the cost-share agreement; will maintain the completed project in an attractive, inviting, and safe manner; will keep the facilities open to the general public during reasonable hours consistent with the type of facility; and will obtain from the State of Wisconsin Department of Natural Resources (WDNR) and/or the National Park Service approval in writing before any change is made in the use of the project site; and will maintain complete and accurate project accounting and records according to the WDNR project agreement for these funds; and

BE IT FURTHER RESOLVED, by the Ozaukee County Board of Supervisors that the County Clerk shall forward a copy of this resolution to the Wisconsin Department of Natural Resources.

Dated at Port Washington, Wisconsin, this 6th day of October, 2021.

SUMMARY: Submittal and acceptance of a Wisconsin Department of Natural Resources Surface Water Land Acquisition Grant for the acquisition of lands along County Highway W in the Village of Saukville for implementation of the County Highway W reconstruction and Milwaukee River restoration project.

VOTE REQUIRED: Majority

NATURAL RESOURCES COMMITTEE

RESULT: **APPROVED [UNANIMOUS]**

MOVER: R. Holyoke, Supervisor District 22

SECONDER: B. Ross, Supervisor District 19

AYES: D. Korinek, R. Holyoke, B. Ross

EXCUSED: B. Jobs, N. Minkel-Dumit

RES. 21-34

SUBMITTAL AND ACCEPTANCE OF A WISCONSIN DEPARTMENT OF NATURAL RESOURCES SURFACE WATER MANAGEMENT - LAND ACQUISITION GRANT FOR ACQUIRING (OR PORTIONS OF)

 **Passed By Majority Vote**

Winker		YES
Haas		EXCUSED
Jobs		YES
Schlenvogt		YES
Clark		YES
Nelson		YES
Becker		YES
Larson		EXCUSED
Grabow		EXCUSED
Melotik		YES
Wolf		YES
Richart		YES
Korinek	S	YES

Rishel		YES
Geracie		YES
Duecker		EXCUSED
Irish	M	YES
Wirth		YES
Ross		YES
Godden		YES
Strom		YES
Holyoke		YES
Henrichs		EXCUSED
Braverman		YES
Read		YES
Minkel-Dumit		YES